

August 20, 2021

The Honorable Thomas A. Varlan
U.S. District Judge
Suite 143
800 Market Street
Knoxville, TN 37902

Dear Judge Varlan,

I am a naturalized citizen originally from China. Being a top student in my high school years back in China, I was dealt with a failing grade in freshman English class the first year I was in Ohio State University. That taught me how to be humble and hard working in my life to be a contributing member in the U.S. society. I harbor no naïve thoughts about an ideal society of all man are equal. It must be pursued by people of high minds and I have seen the civil rights movement and the change in U.S. Much work remains but the recent past years of xenophobia and anti-Asian incidents have me increasingly concerned.

This is the reason I am writing to you to express my outrage to the Department of Justice's intent to retry former University of Tennessee Knoxville (UTK) Professor Anming Hu. I urge you respectfully to dismiss the case and acquit Professor Hu in the best interest of justice and fairness.

Professor Hu is the first scientist and academic researcher to go to trial under the ill-conceived "China Initiative" which was launched by the Department of Justice in November 2018, with the premise that "[t]his Initiative will identify priority Chinese trade theft cases, ensure that we have enough resources dedicated to them, and make sure that we bring them to an appropriate conclusion quickly and effectively."

Both the indictment and the trial showed that Professor Hu's case has nothing to do with theft of American trade secrets. In fact, according to media reports, it was the FBI who made false accusations and spread misinformation to first implicate Professor Hu as a spy for China and then tried to press him to become a spy for the U.S. government. When these efforts failed, Professor Hu was subjected to pretextual prosecution with no relevance to economic espionage, which also fell apart upon cross examination of UTK officials.

As one juror commented after your declaration of a mistrial, "[i]t was a ridiculous case." Professor Hu is not alone. More than a dozen academics and researchers are facing similar pretextual prosecutions with no relation to economic espionage under the "China Initiative." About 90 Congressional members have sent a bicameral letter to the Attorney General and requested an investigation of the apparent misconduct used by the FBI in racial profiling tactics, policies, and practices.

To the Asian American community, what happened to Professor Hu and his family is part of systemic racial bias, discrimination, and profiling by our federal government against scientists and researchers of Asian descent across the country. Prior to the "China Initiative," Dr. Wen Ho Lee, Professor Xiaoxing Xi, and Ms. Sherry Chen were also innocent scientists wrongfully accused of passing secrets to China.

While today's xenophobic label used by the FBI is "non-traditional collectors," it was "thousand grains of sand" when Dr. Lee was tried two decades ago. Judge James Parker subsequently issued an apology for the government's mistreatment of Dr. Lee. During World War II, the stereotypical term was the "Fifth Column" which contributed to the internment of 120,000 Japanese Americans for basically their ethnicity and national origin. Although the Civil Liberties Act of 1988 was enacted to apologize to and redress the internees two generations later, these persons and their families could never be made whole again.

Except for Native Americans and Pacific Islanders, the United States is a nation of immigrants. The first Chinese person arrived in the U.S. almost 200 years ago. Since the building of the Transcontinental Railroad, Asian Americans have contributed to every segment of the American society, including the fields of science and technology. However, from the Chinese Exclusion Act of 1882 to the present, persons of Asian origin have repeatedly been portrayed by the government as "Perpetual Foreigners" and a threat to our nation as a group. This must change.

It is with this historical perspective and the prevailing facts in his case that I find the intent by the DOJ to retry Professor Hu to be outrageous and invidious. Massive amount of taxpayers' dollars and federal resources have already been spent without accountability to inflict enormous damage to Professor Hu and his family in the government's zeal and fog to hunt for a non-existent spy.

Professor Hu has been courageous in going to trial and making a stand for his innocence. I urge you respectfully to dismiss the case and acquit Professor Hu in the best interest of justice and fairness.

Sincerely,

Tzu Fann Shao



A concerned citizen

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Clerk, U. S. District Court
Eastern District of Tennessee
At Knoxville



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